

SB199 INTRODUCED



1 OQK3MJ-1
2 By Senator Orr
3 RFD: Veterans and Military Affairs
4 First Read: 11-Apr-23
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SYNOPSIS:

This bill would prohibit a person from picketing or protesting at or near the residence of any individual with the intent to harass or intimidate.

This bill would require law enforcement officers to ask a person who is protesting to peacefully leave the premises before placing that person under arrest.

This bill would allow municipalities or counties to adopt ordinances or resolutions to regulate the time and noise level of any picketing or protesting in a residential area.

This bill would also provide criminal penalties for violations.

Section 111.05 of the Constitution of Alabama of 2022 prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill



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29 does not require approval of a local governmental
30 entity or enactment by a 2/3 vote to become effective
31 because it comes within one of the specified exceptions
32 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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39 Relating to crimes and offenses; to prohibit an
40 individual from picketing or protesting in certain
41 circumstances; to allow counties and municipalities to adopt
42 ordinances or regulations regarding time and noise regulations
43 in certain circumstances; to provide criminal penalties for
44 violations; and in connection therewith would have as its
45 purpose of effect the requirement of a new or increased
46 expenditure of local funds within the meaning of Section
47 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) For the purpose of this section, the
50 following terms have the following meanings:

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(1) LAW ENFORCEMENT OFFICER. An officer employed by the
52 state, or a county or municipality who is certified by the
53 Alabama Peace Officers' Standards and Training Commission and
54 who has the power to arrest.

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(2) RESIDENCE. A building or structure, having a
56 physical address or street number, that provides shelter in



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57 which a person resides.

58 (b) No person shall picket or protest at or near a
59 residence occupied or used by any individual with the intent
60 to harass, intimidate, or disturb that individual or other
61 individuals who reside at that residence.

62 (c) A violation of this section is a Class C
63 misdemeanor. A second or subsequent violation of this section
64 is a Class B misdemeanor.

65 (d) Prior to making an arrest for a violation of this
66 section, a law enforcement officer shall instruct the person
67 who is picketing or protesting to immediately and peaceably
68 disperse.

69 (e) This section may be enforced by the Alabama State
70 Law Enforcement Agency if a local law enforcement agency fails
71 to enforce this section.

72 (f) (1) Municipalities and counties, by ordinance or
73 resolution, may adopt regulations to limit the time frame and
74 noise level of any picketing or protesting in residential
75 areas.

76 (2) Violations of ordinances or resolutions adopted
77 pursuant to this section shall be enforced in the same manner
78 as violations of this section.

79 Section 2. Although this bill would have as its purpose
80 or effect the requirement of a new or increased expenditure of
81 local funds, the bills is excluded from further requirements
82 and application under Section 111.05 of the Constitution of
83 Alabama of 2022, because the bill defines a new crime or
84 amends the definition of an existing crime.



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85 Section 3. This act shall become effective on the first
86 day of the third month following its passage and approval by
87 the Governor, or its otherwise becoming law.